

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
WOOD COUNTY

State of Ohio

Court of Appeals No. WD-11-025

Appellee

Trial Court No. 2008CR0533

v.

Paul Turner

DECISION AND JUDGMENT

Appellant

Decided: June 7, 2011

* * * * *

James C. Young, for appellant.

* * * * *

PER CURIAM.

{¶ 1} This matter is before the court on the motion of defendant-appellant, Paul Turner, to stay the execution of his sentence and continue his bond pending appeal.

{¶ 2} App.R. 8(B) provides:

{¶ 3} "Application for release on bail and for suspension of execution of sentence after a judgment of conviction shall be made in the first instance in the trial court.

Thereafter, if such application is denied, a motion for bail and suspension of execution of sentence pending review may be made to the court of appeals or to two judges thereof.

The motion shall be determined promptly upon such papers, affidavits, and portions of the record as the parties shall present and after reasonable notice to the appellee."

(Emphasis added.)

{¶ 4} In addition, 6th Dist.Loc.App.R. 17 reads:

{¶ 5} "When a party files an application for release on bail and suspension of execution of sentence pursuant to App.R. 8(B), a memorandum in support shall be filed with the application in this court. *The party's memorandum shall contain, but is not limited to, the following information, which shall be supported by the papers, affidavits, and portions of the record referred to in App.R. 8(B):* (1) confirmation that the motion for release on bail was denied by the trial court, (2) a statement of the offense for which the party was found guilty and the sentence imposed by the trial court, (3) a listing of the party's prior convictions, if any, and if there are none, a statement to that effect, (4) a listing of current charges pending against the party, (5) a statement as to whether the party is currently employed, the name of the party's employer and for how long the party has been employed, (6) a statement of the amount of bail the party is requesting and in what manner the bail will be secured, and (7) a statement of defendant's family or other community ties. Failure to comply with this rule may result in the automatic denial of the application." (Emphasis added.)

{¶ 6} As required by App.R. 8(B) and 6th Dist.Loc.App.R. 17, appellant has failed to support his application with the necessary affidavits and portions of the record. Accordingly, appellant's motion for bail and suspension of his sentence during the pendency of his appeal is found not well-taken.

MOTION DENIED.

Peter M. Handwork, J.

JUDGE

Mark L. Pietrykowski, J.

JUDGE

Stephen A. Yarbrough, J.
CONCUR.

JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at:
<http://www.sconet.state.oh.us/rod/newpdf/?source=6>.